

REMARKS

Formal Drawings have been provided herewith. Margins and font size has been amended. Increase in font size has necessitated division of some drawings into 2 sheets. Further, corrections have been made to some drawings.

Mark-up copies of corrected drawings are provided.

In summary:

Fig. 1 – margins adjusted

Fig. 3 – Split into Fig. 3a and Fig. 3b and correct typographical error in last step

Fig. 4 – correct typographical error in sub-title, and base graphical section (1) removed after Year 1 to be consistent with text

Fig. 5 – adjust references in text to new Fig. number, correct reference numerals, and correct typographical error in example

Fig. 7A - margins adjusted and corrections to text

Fig. 7A – Split into Fig. 7A-1 and Fig. 7A-2 correct typographical errors in sub-title and footnote, change orientation

Fig. 7B – Spelling error corrected “keyboard” to –keyboard—, change orientation

Fig. 7C – Spelling error corrected “keyboard” to –keyboard—

Fig. 7D – change orientation

Fig. 7E – change orientation

Fig. 7F – change orientation

Fig. 8 – correction of grammar in sub-title, and a font size change

A new abstract has been provided in compliance with MPEP 608.01(b).

A specific amendment to the specification has been made to remove references to Tables 1 and 2. The form of the subject matter of Tables 1 and 2 were not included in the application as filed.

Further, and as set forth above, Applicant has identified and corrected some grammar and punctuation in the specification.

Claim Rejections

Claims 1, 4-8, and 14-18 have been cancelled.

The Examiner determined a §112 indefiniteness defect in Claim 8. Claim 8 has been cancelled however, the defect also appears in remaining claim 13. Accordingly, the recitation of “and/or” in claims 13 has been replaced with –and–.

Claims 1, 4, 5-8 - Rejection under 35 USC 103(a) – Obvious

Examiner rejected claims 1, 4 and 5-8 as being obvious. Claims 1, 4-8 have been cancelled.

SERIAL NO. 09/864,038

23

Atty Docket: 2157-001

Claims 2, 9, 10-13 Rejection under 35 USC 103(a) – Obvious

Examiner rejected claims 2, 10-13 as being obvious over Johnson, in view of Melen, Ballou and Wilkinson. Claim 9 is rejected as being obvious further in view of Couchman and Baba et al.

Claims 9-13 depend from old claim 2. Amended Claim 2 is now dependent from amended claim 3.

As set forth below, it is believed that amended claim 3 is allowable and therefore claims 2, 9-13 are also allowable as being dependent from allowable claim 3.

Claims 3, 15-18 Rejection under 35 USC 103(a) – Obvious

Examiner rejected claims 3, 15-18 as being obvious over Johnson, in view of Ballou and Wilkinson.

Claim 14 is rejected as being obvious further in view of Couchman and Baba et al. Claims 14-18 have been cancelled.

As amended, claim 3 recites a method of permanent archival of information including the limitation of the establishing of an endowment fund. This is a material, claimed limitation which has been ignored.

As stated by the Examiner at page 13 “neither Johnson, nor Ballou teaches ‘financing an endowment trust from user fees ...’. The Examiner suggests Wilkinson provides the missing element.

Simply, Johnson coordinates paper and electronic records to eliminate redundancy and inconsistency. As set forth a computer based system archives records and enables online access. As suggested by the Examiner, Johnson does not teach user access nor does Johnson teach an endowment fund nor other means for ensuring permanence of the data.

Simply, Ballou provided fee for access of archived movie materials. As suggested by the Examiner, Ballou does not teach an endowment fund nor other means for ensuring permanence of the movies.

Examiner contends that Wilkinson teaches an endowment fund. With respect, Applicant disagrees.

In greater detail, and as also referenced by the Examiner, Wilkinson at page 3 [0021] teaches:

SERIAL NO. 09/864,038

24

Atty Docket: 2157-001

"[0021] To facilitate trade and mutual or joint ownership of particular assets or licensed technology, the market process includes the creation of financial instruments or shares comprising representative interests in an intellectual property asset, and may further include the creation of one or more mutual funds composed of financial instruments based upon intellectual property assets. The exchange may also include a market for the licensing and trading of licenses for intellectual property assets, using a determination of the value of the intellectual property assets covered by each license."

Applicant's Emphasis added

and note further that at page 2 [0009], Wilkinson teaches:

[0009] The market also provides a method for enabling investment in one or more intellectual property assets, the method comprising creating a mutual fund comprising one or more financial instruments each representing an interest in one or more intellectual property assets, the financial instruments offered for exchange on the centralized intellectual property market."

Applicant's Emphasis added

With respect, and in contradistinction to the Examiner's contention, Wilkinson's creation of a financial market for the exchange of intellectual property through "mutual funds" is not an endowment and does not "assure the continued availability of the intellectual property."

As set forth by Applicant at page 10, line 1, paragraph [0033] as published 2002/0178015 A1,

"... feature is the 'permanent nature' of the archive of IP in the Permanent IP Domain. This Permanence is achieved by the establishment of an small endowment fund, associated with each IP, that will generate a perpetual stream of annuity payments (similar to 'life annuity payments' in life insurance industry or perpetual scholarships enabled by an endowment fund), defined through actuary determination and include allowance for contingencies, that will fund and sustain the physical operations associated with the ongoing archiving of each IP. Specifically, the fee paid by an IP owner to archive a specific IP will be set such that a portion of it can be placed into a separate "pool" of trustee managed "archiving endowment trust" that is designed to generate perpetual annuity payments to pay for

future depreciation and operating costs associated with the 'archiving' of that IP."

Wilkinson does not teach the element of an endowment fund. Wilkinson's creation of a mutual fund for valuation and trading does not equate to, nor can it be stretched to a system for preservation of the intellectual property. As a further illustration, a Real Estate Investment Trust based on ownership and valuation of real estate properties, is not the same as an endowment trust established to provide enduring funding to preserve a historical building.

Simply, none of Johnson, Ballou or Wilkinson disclose an endowment fund.

- none of the cited references teach the missing element of an endowment fund, thus, none of the references is combinable or modifiable.
- use of Wilkinson's mutual fund results in the valuation and trading of assets but not their preservation and thus the intended function and purpose of Wilkinson is destroyed if the funds are redirected to maintain and preserve the collection.

Without a prior teaching of an endowment fund, the references can neither anticipate nor render claim 3 as obvious. There is no direction to lead one to implement such as system for intellectual properties.

From the above, it should now be apparent that claim 3 should be in condition for allowance as amended. Accordingly, claims 2, 9-13 should also be in condition for allowance as being dependent upon an allowable claim.

New claims 19 – 32 have been added. The subject matter of the new claims is disclosed in the specification as filed and has been made dependent upon base claims 2 and 3 and accordingly should also be in condition for allowance.

Applicant believes that no new matter has been added in the amending of the application to include the new claims.

To be complete, concordance of the new claims and subject matter appearing in the application as filed is set forth at least as follows with reference to the application as filed and for greater certainty, the paragraph number [0000] as published 2002/0178015 A1:

New Claim	Page, Line & [para]	New Claim	Page, Line & [para]
Claim 19	p.8, 10 & [0022]	Claim 26	p.13, 3 & [0042] p.18, 8 & [0070]
Claim 20	p.10, 1 & [0033]	Claim 27	p.13, 3 & [0042]
Claim 21	p.10, 7 & [0033] p.17, 19 & [0069] p.23, 12 & [0094]	Claim 28	p.13, 14 & [0045]
Claim 22	p.10, 16 & [0033]	Claim 29	p.14, 18 & [0050]
Claim 23	p.10, 9 & [0033] p.10, 26 & [0035]	Claim 30	p.14, 24 & [0051]
Claim 24	p.12, 17 & [0040]	Claim 31	p.14, 28 & [0052]
Claim 25	p.13, 2 & [0042]	Claim 32	p.21, 6 & [0084]

In view of the foregoing remarks, reconsideration and allowance of claims 3, 2 9-13 and new claims 19 – 32 is respectfully requested.

If there are any outstanding issues that can be dealt with in a teleconference, this agent invites such a teleconference with the Examiner. This agent can be contacted at (403) 203-0107 (Mountain Standard Time, - 2 hours).

Respectfully submitted,

Date:

JAN 22 / 04


Sean W. Goodwin #39,568
Agent for the Applicant

Goodwin McKay
Suite 360, 237-8th Ave. S.E.
Calgary, AB T2G 5C3
CANADA
Ph. (403) 203-0107
Fx. (403) 203-0403

Via Facsimile To TC 2100 (BEFORE FINAL) to 703-746-9306

SERIAL NO. 09/864,038

27

Atty Docket: 2157-001

Proposed

Copyrighted

Figure 1
Hardware Design

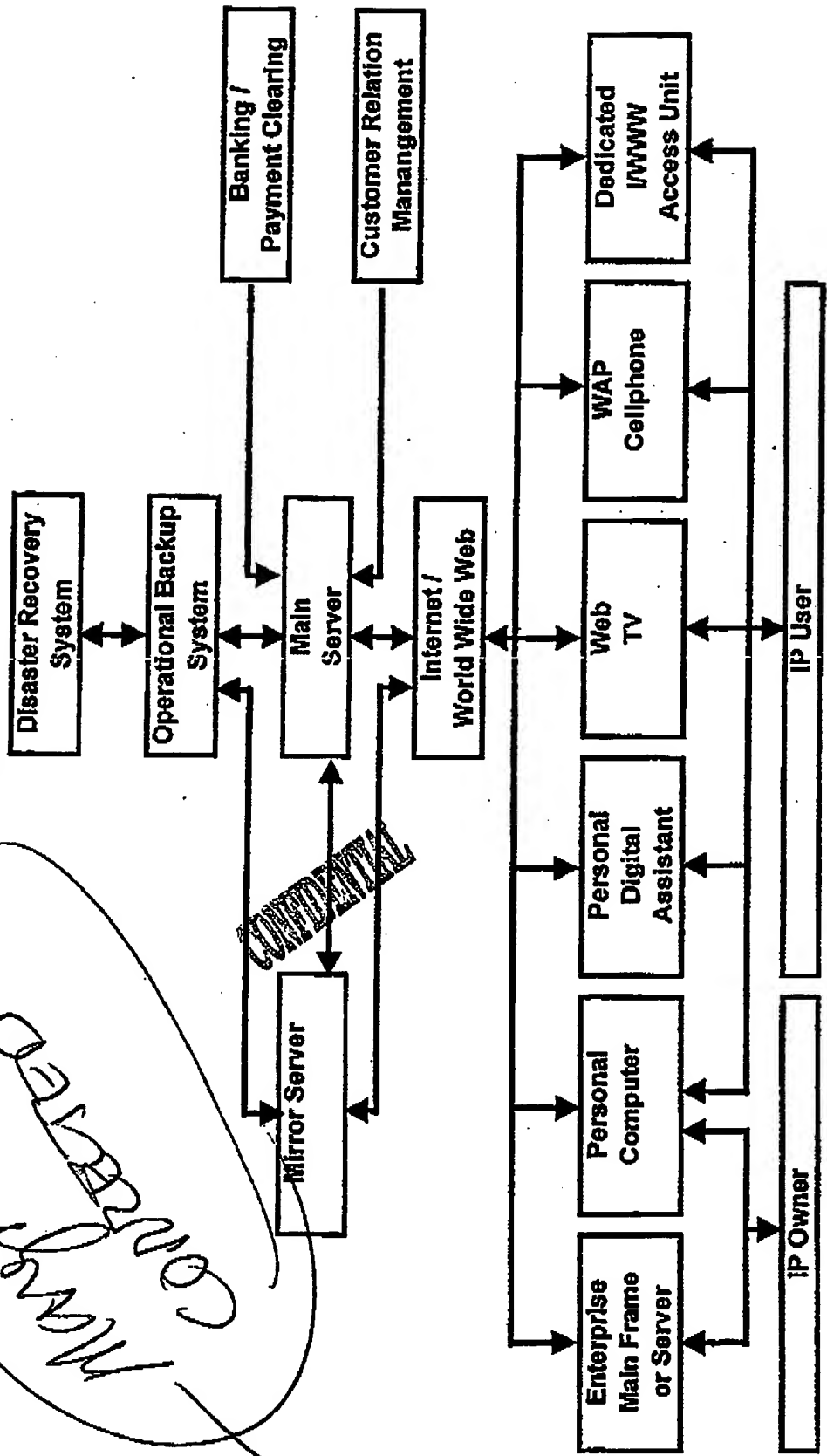


Figure 2
View of IP Index Tag Input Screen

IP Type	<input type="text"/>
Country of Publication	<input type="text"/>
Author Name (A)	<input type="text"/>
Copyright Holder Name (B)	<input type="text"/>
Revenue Sharing Ratio (A:B)	<input type="text"/>
Bank Account Information to Receive Revenue	<input type="text"/>
Keywords	<input type="text"/>
Abstract (max 150 words)	<input type="text"/>
Exerpts (max 300 words)	<input type="text"/>
ISBN / ISSN Number	<input type="text"/>
Publication Date	<input type="text"/>
Volume / Issue Numbers	<input type="text"/>
Section	<input type="text"/>
Page Number	<input type="text"/>
File Format	<input type="text"/>
File Size	<input type="text"/>
Rating:	<input type="text"/>
Language	<input type="text"/>
Violence	<input type="text"/>

OK **CANCEL** **HELP**

Figure 3
IP Owner's Submission of IP

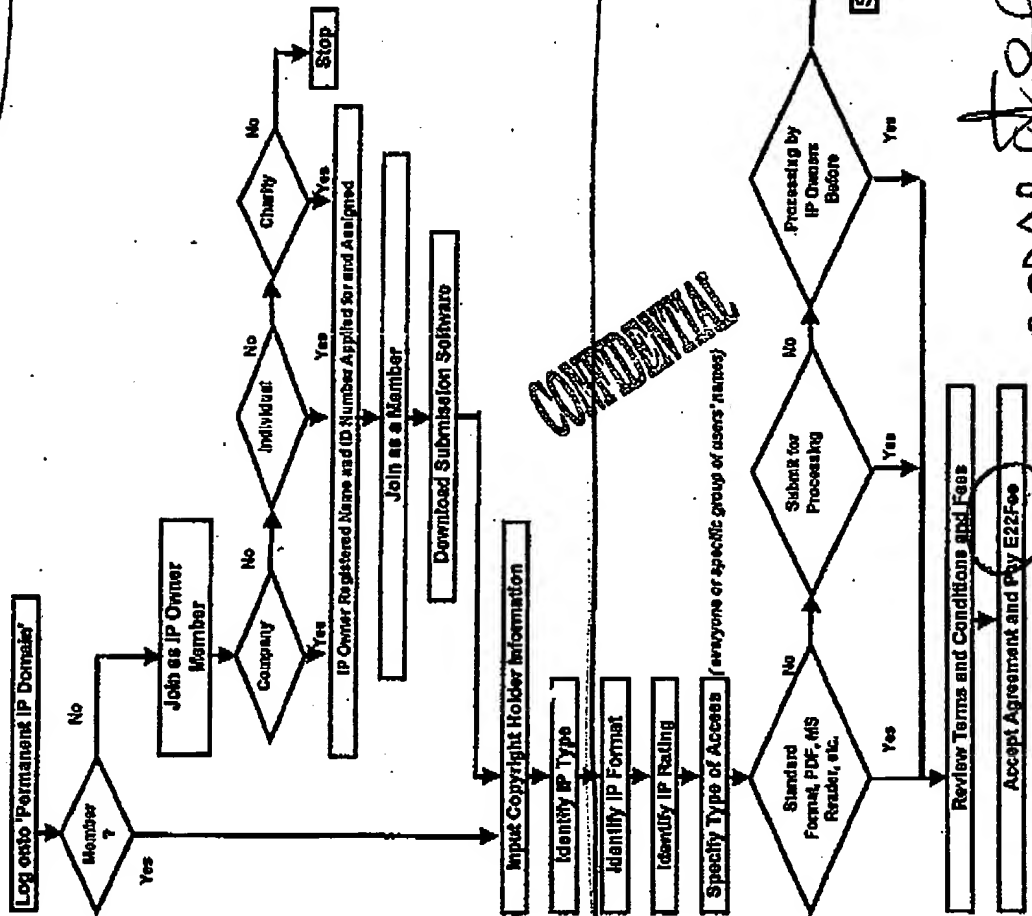


Fig. 3a

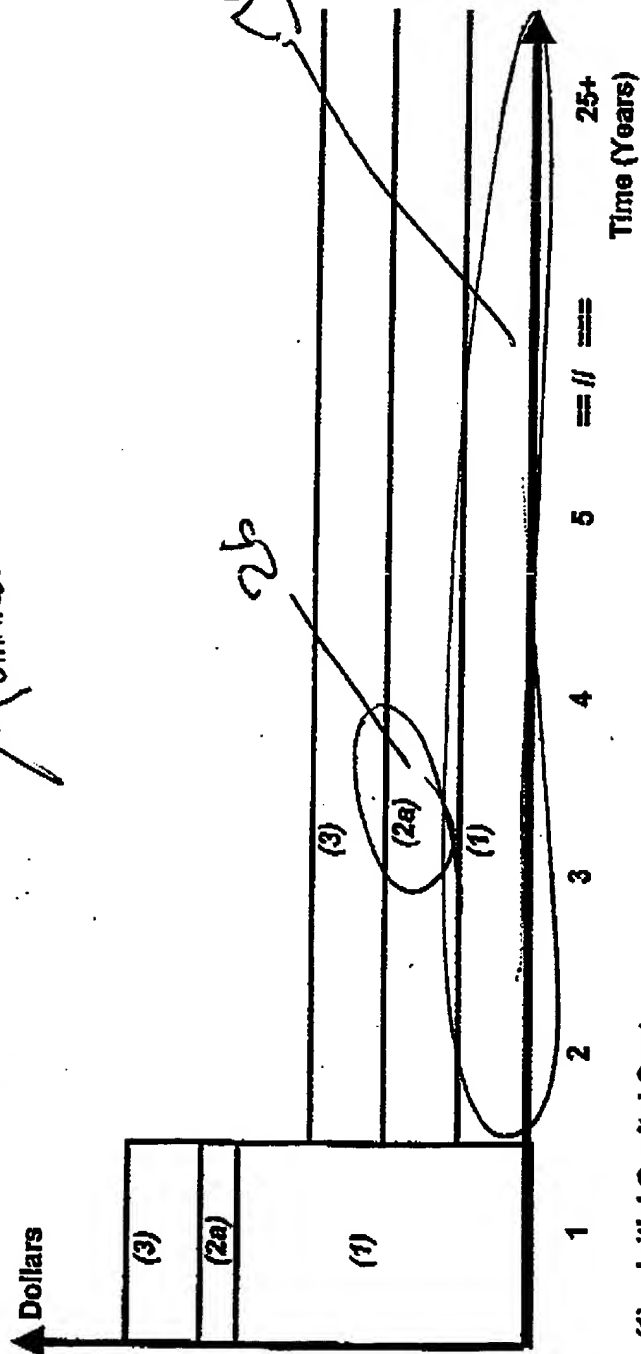
Fig. 3b

converted

Proposed

Figure 4
Endowment Fund (Part 1)

Costs of start-up and continuous operation
of IP archive ~~omitted~~



(1) Initial Capital Cost

(2) Operating Costs for Archiving

(2a) Initial
(2b) future years

(Include costs of upgrades, less savings from technological improvements)

(3) Operating Costs for Retrieval

(Variable, Dependent on Usage, to be paid by users)

CONFIDENTIAL

Proposed

Figure 5
Endowment Fund (Part 2)

Archiving Fee Payable by IP Owner Members of
'Permanent IP Domain'

B	A
---	---

Total Archiving Fee = A + B

A Initial Capital Costs = (1) from Figure 2a

(2a) + (2b)

B Endowment fund for initial and future

years of operating costs 4

= (2a) + (3b) from Figure 2a

(may be reduced by subsidies from charitable funding)

spelling correction

Example: if perpetual annuity rate is 5%, endowment

fund is 20 times that of the estimated annual storage operating costs.

CONFIDENTIAL

CONFIDENTIAL

new Figure No.
reference numerals.

Figure 6
Access File' Attributes

Public Information	'Access File' Identification Code	<input type="text"/>
	'Access File' Name **	<input type="text"/>
	Comments **	<input type="text"/>
	'Access File' Size	<input type="text"/>
	'Access File' Generation	<input type="text"/>
	Permanent IP Address	<input type="text"/>
	IP Name	<input type="text"/>
	IP Type	<input type="text"/>
	IP Size	<input type="text"/>
	Level of Access	<input type="text"/>
	Folders Linked **	<input style="width: 80%;" type="text"/> ▼
	# of annotations	<input type="text"/>
# of attached files	<input type="text"/>	
Private Information	User ID	<input type="text"/>
	User Defined Keywords	<input style="width: 80%;" type="text"/> ▼
	Fee Paid	<input type="text"/>
	Purchase Date	<input type="text"/>
	Dates of Last Access	<input style="width: 80%;" type="text"/> ▼

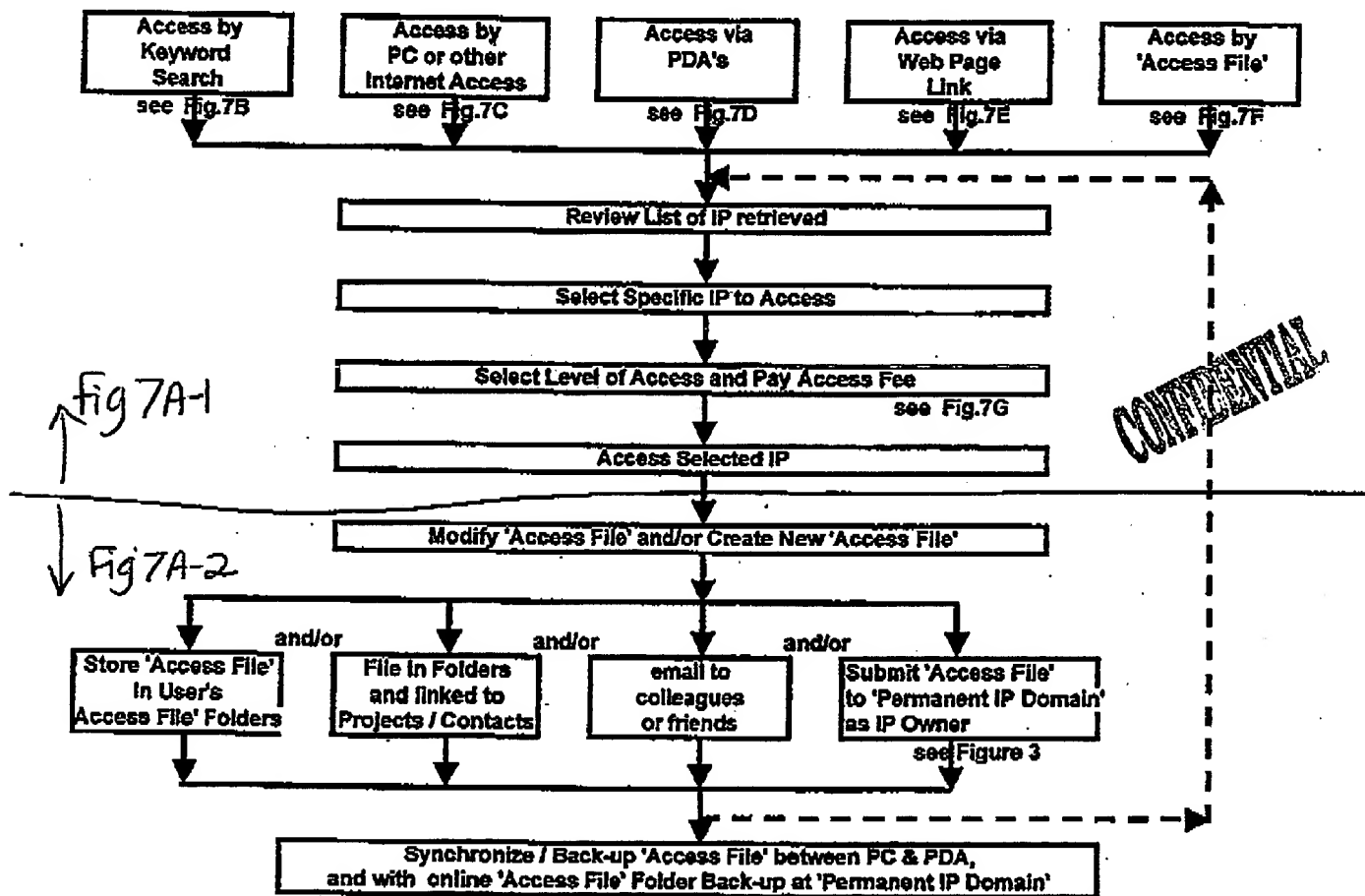
OKCANCELHELP

** Note: Information inputed by the user. All other information is filled in by the system.

ProposedNew
Orientation

Figure 7A

omitted

IP User - Five E2 methods of Access**CONFIDENTIAL**

* Note: Include but not limited to these five

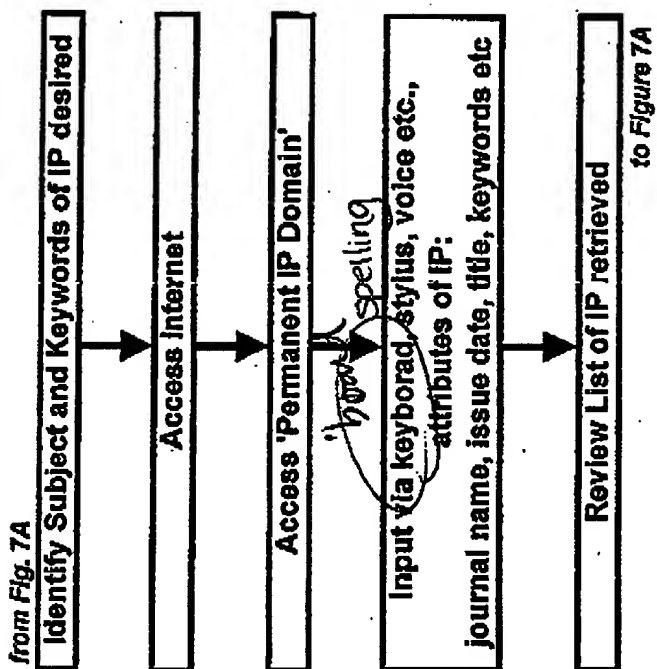
Correction

New Orientation

CONFIDENTIAL

Figure 7B

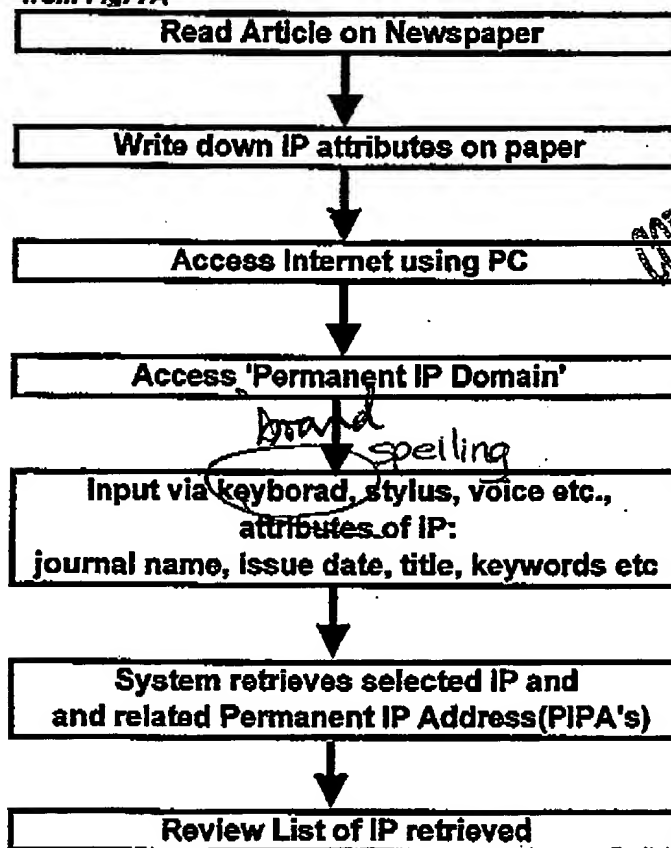
Access via Keyword Search



Proposed

Proposed

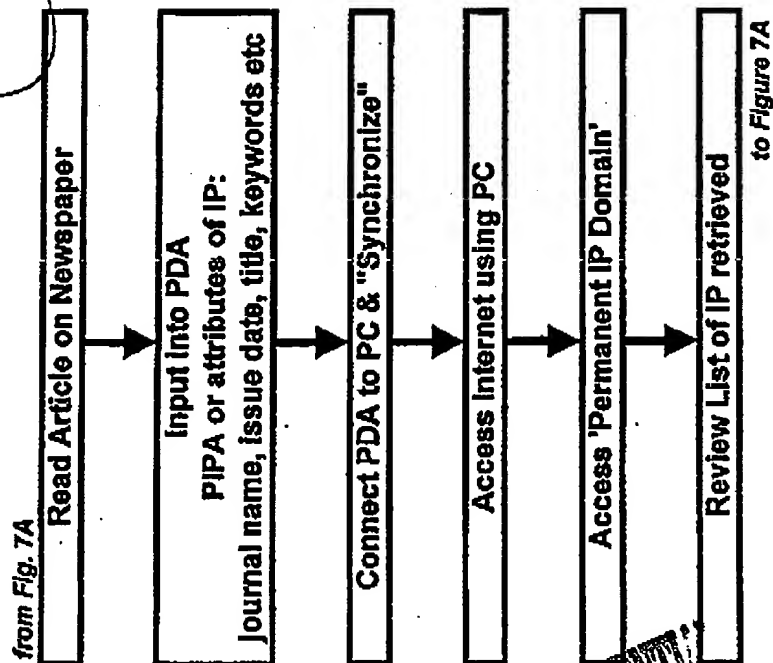
Figure 7C
Access by PC or Other Internet Access

from Fig. 7A*to Figure 7A*

Proposed

Figure 7D
Access via PDA/PC Synchronization

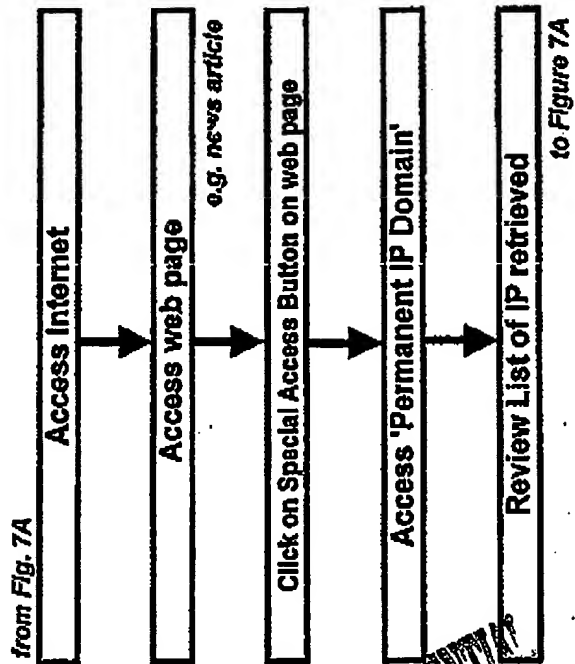
*New
orientation*



Proposed

New
Orientation

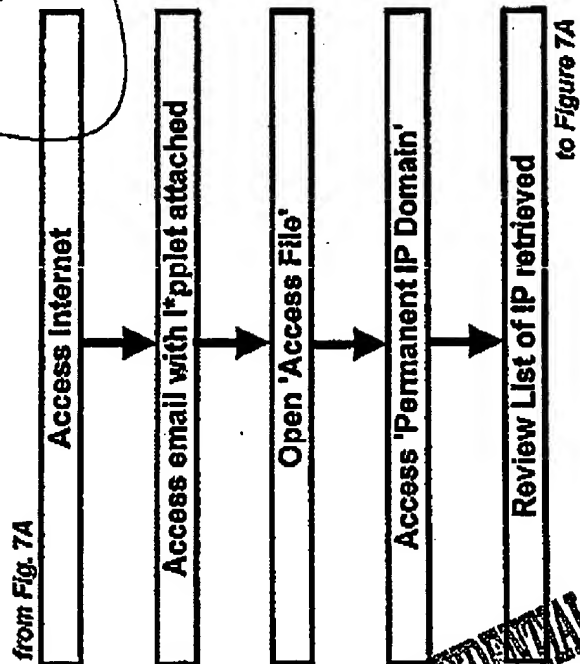
Figure 7E
Access via Web Page Link



CONFIDENTIAL

Proposed

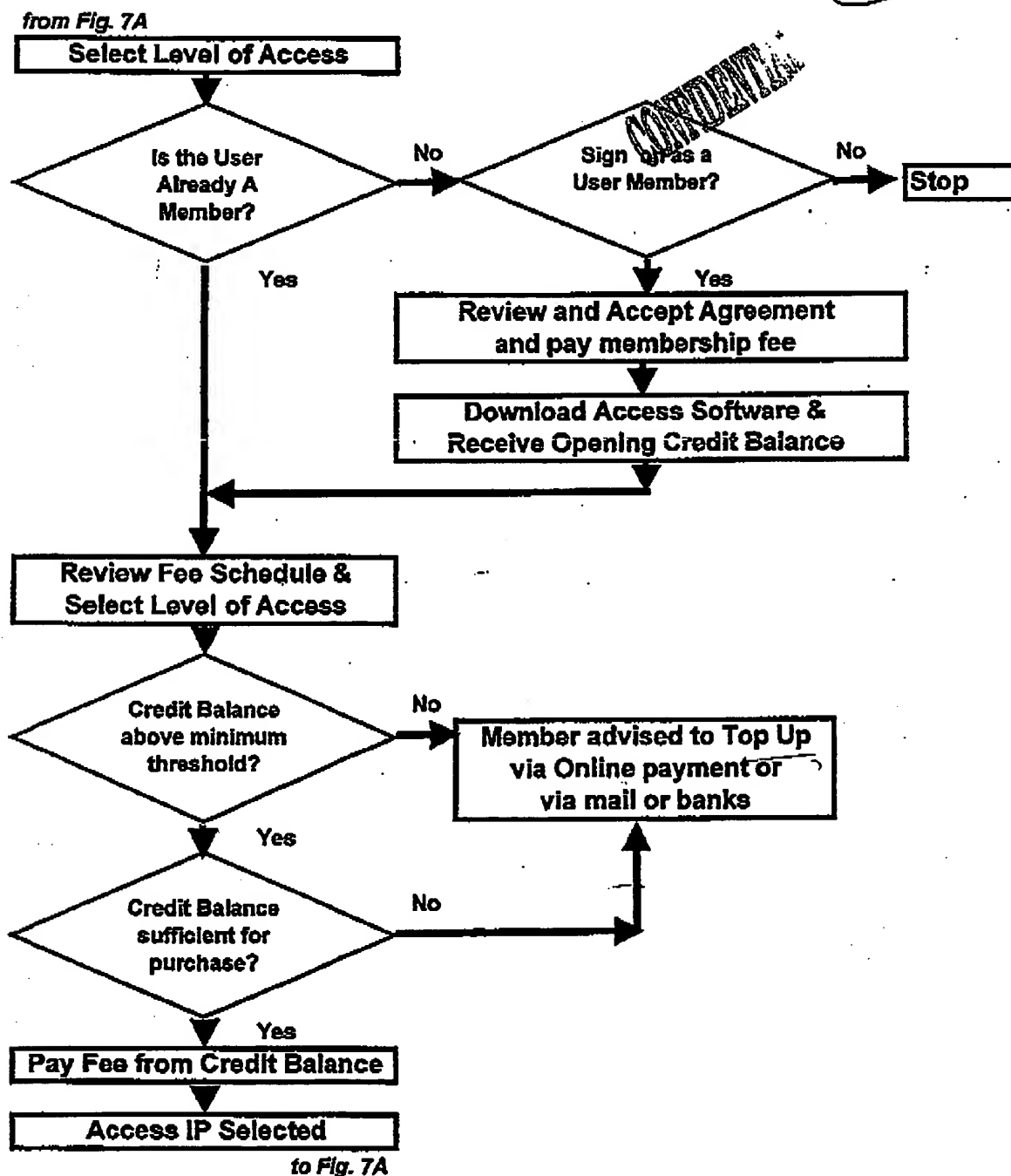
Figure 7F
Access via 'Access File'



CONFIDENTIAL

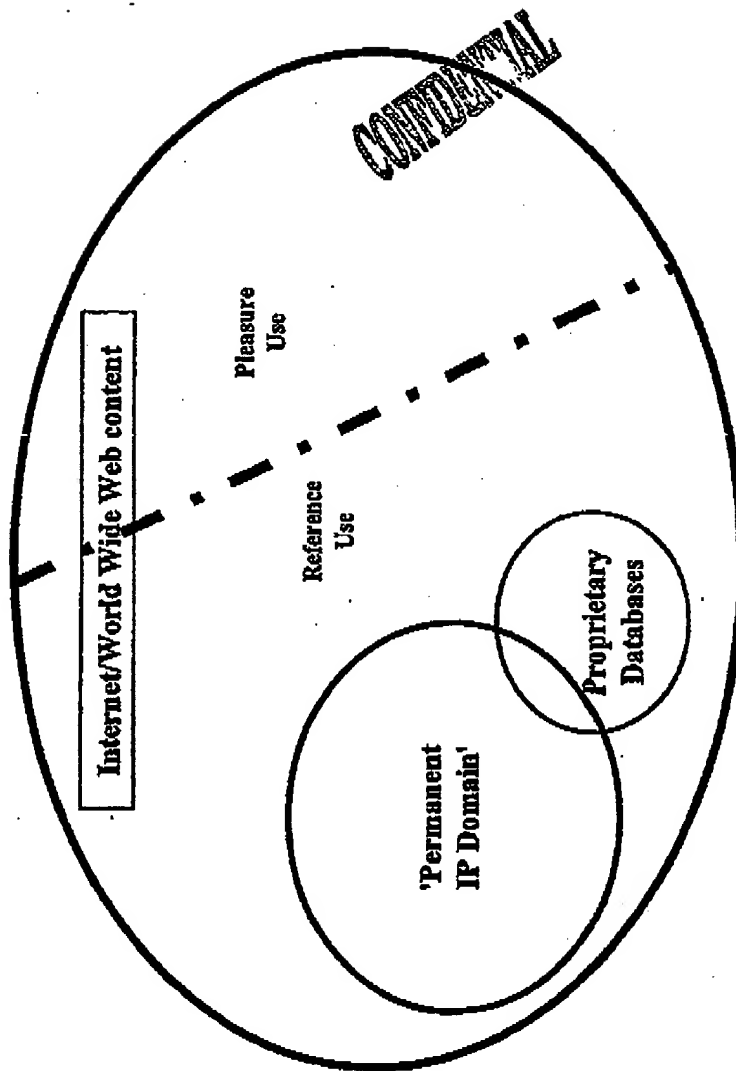
Figure 7G
Select Level of Access and Pay Fees

As
Filed



Proposed

Figure 8
Contents of 'Permanent IP Domain' in relations to
the contents of Internet/World Wide Web and Proprietary Databases



Jan. 22. 2004 3:53PM

Goodwin McKay +403 203 0403

No. 0982 P. 43

REPLACEMENT FIGURES